(5)

C/F-100-C

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 1813 OF 2001

PETITIONER :- Brooks Higher Secondary School, Motimpur, Jarhagaon, Through: its Principal Smt. H. Prakash Wife of Shri Daniel Prakash, aged 59 years, at Motimpur, Jarhagaon, Takhatpur, Tahsil Mungeli, District Bilaspur, Chhattisgarh.

P. R. No. 1792/01 Received by Shri R.R. Bedjar
Fee ... dated ... 4.9.09

V E R S U S

RESPONDENTS :- (1) The Controlling Authority (Payment of Gratuity Act)-cum-Labour Officer, Bilaspur, District: Bilaspur, Chhattisgarh.

(2) Shri C.P. Samual, Retired Teacher of Brooks Higher Secondary School, Resident of Mission Compound, Takhatpur, District Bilaspur, Chhattisgarh.

(3) Shri L.K. Loothar, Retired Teacher, Resident of Sharan Nagar, Takhatpur, district Bilaspur, Chhattisgarh.

(4) Shri G.P. Pandey, Retired Teacher, Brooks Higher Secondary School, Resident of Belsari, Takhatpur, District: Bilaspur, Chhattisgarh.

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

(77)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक 12:2:1813 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

05.01.2004

Shri Prashant Mishra, counsel for the Petitioner.

Shri Vinod Deshmukh, counsel for the Respondent No.1.

Shri Vinod Deshmukh submits that the matter is covered by the decision of the Division Bench of this Court passed in W.P. No.1329/2001 (Director, Raipur Diocess Educational Society, Raipur vs. U.K. Mashi and Others) and also the decision of the Single Bench passed in W.P.No.2653/2001 (Steel Authority of India vs. Controlling Authority under Payment of Gratuity Act, Durg and Another).

This writ petition has been filed under Article 226/277 of the Constitution of India against the order dated 11/5/2001 passed by the respondent No.1 Controlling Authority under the Payment of Gratuity Act, 1972. Shri Deshmukh submits that the petitioner has alternative remedy of appeal under the Payment of Gratuity Act. Counsel for the petitioner submits that the provisions of this Act are not applicable. It is stated by other side that this may also be taken as ground in appeal.

It is however, submitted by the learned counsel for the petitioner that as the limitation for the appeal is 60 days, and, for some time the authority itself was not notified and because of prosecuting this petition, time for filing appeal has lapsed,

[पीछे देखिये

XI-HC-22

(78)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

therefore, he prayed that some direction may be issued so that the petitioner is not prejudiced.

As prayed, permission is granted.

Having considered the facts and circumstances of the case and material on record, it is directed that in case suitable application for condonation of delay is made the same shall be considered by the Authority sympathetically keeping in view the fact that for some time the Authority itself was not notified and for such the petitioner had prayed this court and petition was pending.

Accordingly this writ petition stands disposed of as withdrawn with the liberty aforesaid.

Consequently M.W.P.No.269/2001, I.A.5515/2001, I.A.5188/2001 & I.A.10248/03 also stand disposed of.

C.C. as per rules.

Sd/-
Fakhruddin
Judge

Reg

[पीछे देखिये